

BILL NO. S-23-12-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE amending the not-to-exceed amount for a CONSTRUCTION CONTRACT for RIVERFRONT PUBLIC OPEN SPACE PHASE II-A - RESOLUTION/WORK ORDER #109-3-22-22-1 between HAMILTON HUNTER BUILDERS, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

WHEREAS, on April 26, 2022, the Common Council adopted Special Ordinance S-22-04-08 approving a construction contract in the amount of Two Million Three Hundred Ninety-Two Thousand Five Hundred Eighteen Dollars (\$2,392,518) for Riverfront Public Open Space Phase II-A ("Phase II-A"), located along the south side of the St. Marys riverfront between Promenade Park and Headwaters Park, including bank stabilization, new walkways, plantings, lighting, site furnishings, seatwalls, and utility improvements; and

WHEREAS, due to unforeseen circumstances, the actual cost of Phase II-A exceeded the agreed-upon amount and therefore requires a change order, attached hereto as Exhibit A, in the amount of Two Hundred Ninety-Three Thousand Four Hundred Fifty-Three and 47/100 Dollars (\$293,453.47).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the not-to-exceed construction contract amount for Phase II-A of Riverfront shall be Two Million Six Hundred Eighty-Five Thousand Nine Hundred Seventy-One and 47/100 Dollars (\$2,685,971.47).

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

CHANGE ORDER

Date: 12/8/2023
Change Order #: 1 Resolution #: 8082285
Project: Riverfront Phase II-A
W.O. #: 8082285
To: Hamilton Hunter Builders, Inc.
(CONTRACTOR)

The CONTRACTOR is directed to make the following changes in the contract documents as set forth in this change order and attachments.

SEE ATTACHED CONTRACT COST ANALYSIS SHEET

	<u>Decrease</u>	<u>Increase</u>
Total Decrease:	\$15,000.00	
Total Increase:		\$308,453.47
Net <u>Increase</u> to contract price:		\$293,453.47

The sum of \$293,453.47 hereby increases the total contract price, and the contract price shall be adjusted as follows:

Sum of prior Change Orders		\$0.00
Amount of Change Order # 1	Increase	<u>\$293,453.47</u>
Original Contract Price:		\$2,392,518.00
Current Contract Price Adjusted By Previous Change Order (if any):		\$2,392,518.00
New Contract Price Including this Change Order:		\$2,685,971.47

The time provided for substantial completion of this project on this contract changed by 235 calendar days due to this Change Order. The date for final completion of all work shall be 11/3/2023. Furthermore, this document shall become an amendment to the contract and all provisions of the contract shall apply hereto.

JUSTIFICATION FOR CHANGE:

Had unexpected issues with the flood wall. It was a total reconstruct when we designed it not to be. There was also bad soils under the wall area and a change in design had to be made to the footing. Work was carried over into the winter months because of waiting for the construction staging area to be removed from our site from the Riverfront at Promenade contractor. This caused extra expenses for winter weather items to keep the construction on-going. Another issue that lead to extra re-designs and costs were caused by the building department and changes that they made to their prior approvals. Then and the City could not agree on how the irrigation and back flow system should be installed, which caused additional time and money, and they also had the contractor add additional handrailing to areas that were deemed ok when routed.

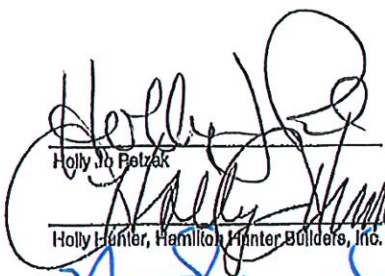
Will proposed change order alter size of project: No

If Yes, Explain:

Effect on operation & maintenance cost of the project:

With a new wall, the maintenance should be minimal which is good for the long run.

Recommended by:


Holly Jo Petzek

Date:

12/6/2023

Accepted by:


Holly Hunter, Hamilton Hunter Builders, Inc.

Date:

12/6/2023

Approved by:


Nancy Townsend, Community Development Director

Date:

12-6-2023

Approved by:

BOARD OF PUBLIC WORKS

Date:

Shan R. Gunawardena, Chair

Kumar Menon, Member

Chris Guerrero, Member

Attested by:

Michelle Fulk-Vondran, Clerk

Date:

DIGEST SHEET

TITLE OF ORDINANCE. An Ordinance Amending the Not-To-Exceed Amount for a Construction Contract for Riverfront Public Open Space Phase II-A - Resolution/Work Order #109-3-22-22-1 between Hamilton Hunter Builders, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

DEPARTMENT REQUESTING RESOLUTION. Community Development

SYNOPSIS OF ORDINANCE. In April, 2022, the Common Council approved a construction contract with Hamilton Hunter for \$2,392,518 for labor and materials for Phase II-A of Riverfront, which is located on the south side of the St. Marys River between Promenade Park and Headwaters Park. Due to unforeseen circumstances, the actual cost of construction was \$293,453.47 more than the previously-approved amount. This ordinance approves the increase in the not-to-exceed amount.

EFFECT OF PASSAGE. This additional funding of \$293,453.47 is necessary for addressing unforeseen challenges in the construction of Riverfront Phase II-A. The increased budget will specifically cover unexpected issues encountered during the reconstruction of the floodwall, winterization of equipment due to delays caused by the unavailability of staging areas, and necessary redesigns to the irrigation system and handrails. The conditions leading to the change order would likely have been encountered by any contractor, and could not have reasonably been discovered prior to the beginning of work.

EFFECT OF NON-PASSAGE. Without approval, the City would not be authorized to pay Hamilton Hunter for the work performed on Phase II-A pursuant to the existing contract.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). \$293,453.47, drawn from READI funds granted by the Indiana Economic Development Corporation (IEDC) for Phase II Riverfront Public Space. City Council approval is required because the contract is held by the Board of Public Works.

ASSIGNED TO COMMITTEE (PRESIDENT). _____



COMMUNITY DEVELOPMENT

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Thomas C. Henry, Mayor

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne, IN 46802

260 427-1127 fwcommunitydevelopment.org

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Community Development Division

From: Joe Giant, Community Development Administrator, 427-2144

Subject: Amending the not-to-exceed amount for a Construction Contract with Hamilton Hunter Builders, Inc. for Riverfront Phase II-A Public Space

Date: December 7, 2023

Community Development formally requests Common Council approval for an amendment to the not-to-exceed amount for Resolution/Work Order #109-3-22-22-1 between Hamilton Hunter Builders, Inc. and the City of Fort Wayne, in connection with the Board of Public Works.

The amendment would increase the not-to-exceed amount by \$293,453.47, to a new not-to-exceed amount of \$2,685,971.47. The increase is due to unforeseen conditions, which include the following:

- Unexpected issues with reconstruction of a floodwall, including poor sub-soils and discovery/removal of historical building footings
- Winterization of equipment due to delays caused by unavailability of staging areas
- Redesigns to the irrigation system and handrails required by the Allen County Building Department

Funds for this change order would be drawn from READI funds granted by the Indiana Economic Development Corporation (IEDC) for Phase II of Riverfront Public Space. City Council approval is required because the construction contract is held by the Board of Public Works.

Please feel free to contact me directly if you have any questions.

Joe Giant
Redevelopment Administrator
O: 260.427.2144
Joe.Giant@cityoffortwayne.org

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